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26 *Twitter, Inc.; X Holdings; Elon Musk; and*
27 *Does*

28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COURTNEY MCMILLIAN and RONALD
COOPER,

Plaintiffs,

v.

X CORP., f/k/a/ TWITTER, INC.,
X HOLDINGS, ELON MUSK, Does,

Defendants.

Case No. 3:23-cv-03461-TLT

**DEFENDANTS' ADMINISTRATIVE
MOTION FOR LEAVE TO FILE
SURREPLY IN OPPOSITION TO
JACOB SILVERMAN'S MOTION TO
INTERVENE**

Judge: Trina L. Thompson
Magistrate Judge: Robert M. Illman

Pursuant to Civil Local Rules 7-3(d) and 7-11, Defendants X Corp. (formerly known as “Twitter”), X Holdings Corp., and Elon Musk (together “Defendants”), respectfully submit this Administrative Motion for leave to file a surreply in opposition to non-party Jacob Silverman’s Motion to Intervene and Oppose Sealing Judicial Records (“Motion to Intervene”). Dkt. No. 96.

On July 9, 2024, non-party Jacob Silverman (“Silverman”) filed a Motion to Intervene. On July 9, 2024, the Court granted Defendants’ Motion to Dismiss Plaintiffs’ Amended Complaint. Dkt. No. 97. The Court entered judgement and closed the case on July 31, 2024. Dkt. No. 106. On August 6, 2024, Silverman filed a reply in support of his Motion to Intervene. Dkt. No. 108. The hearing on the Motion to Intervene is set for October 1, 2024. Dkt. No. 99.

On August 14, 2024, Plaintiffs filed a Notice of Appeal to the United States Court of Appeals for the Ninth Circuit. Dkt. No. 109. As explained in Defendants’ Surreply, attached hereto as **Exhibit A**, Plaintiffs’ appeal divests this Court of jurisdiction. Therefore, Defendants respectfully request that the Court deny Silverman’s Motion to Intervene.

Dated: August 19, 2024

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Melissa Hill

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